

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This amendment implements changes to medical assistance eligibility under the Iowa Family Planning Network (IFPN) which are contingent on approval of a waiver request by the federal Centers for Medicare and Medicaid Services. These changes are mandated by 2010 Iowa Acts, chapter 1192 (House File 2526), section 11, subsection 24. The amendment:

- Limits eligibility to people who are uninsured or have health insurance that does not include family planning services, who are not otherwise enrolled in Medicaid (other than IowaCare), and who are not enrolled in the Children’s Health Insurance Program (HAWK-I).

- Expands IFPN eligibility by specifying an upper age limit of 55, increasing the income limit from 200 percent of the federal poverty level to 300 percent of the federal poverty level, and including men. A statutory change was made by 2011 Iowa Acts, Senate File 482, to remove the word “women” from the provision authorizing eligibility for family planning services and substitute “individuals.”

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment on July 13, 2011.

The Department finds that notice and public participation are unnecessary because this amendment is mandated by legislation and are impracticable because that legislation directs the Department to make these changes effective on July 1, 2011. Therefore, this amendment is filed pursuant to Iowa Code section 17A.4(3).

The Department finds that this amendment confers a benefit on applicants for family planning services by expanding eligibility. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of the amendment is waived.

This amendment is also published herein under Notice of Intended Action as **ARC 9648B** to allow for public comment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement 2010 Iowa Acts, chapter 1192, section 11, subsection 24, and Iowa Code section 249A.3 as amended by 2011 Iowa Acts, Senate File 482, section 16.

This amendment became effective August 1, 2011.

The following amendment is adopted.

Amend subrule 75.1(41) as follows:

75.1(41) ~~Women~~ *Persons eligible for family planning services under demonstration waiver.* Medical assistance for family planning services only shall be available ~~to women~~ as provided in this subrule.

a. Eligibility. The following are eligible for assistance under this coverage group if they are uninsured or have health insurance that does not include family planning services, are not otherwise enrolled in Medicaid (other than IowaCare), and are not enrolled in the Children’s Health Insurance Program (HAWK-I):

(1) No change.

(2) ~~Women who are of~~ have reached childbearing age, are under 55 years of age, are capable of bearing children but are not pregnant, and have income that does not exceed ~~200~~ 300 percent of the federal poverty level, as determined according to paragraph 75.1(41) “c.”

(3) Men who are under 55 years of age, who are capable of fathering children, and who have income that does not exceed 300 percent of the federal poverty level, as determined according to paragraph 75.1(41) “c.”

b. Application.

(1) No change.

(2) ~~Women~~ A person requesting assistance based on subparagraph 75.1(41)“a”(2) or 75.1(41)“a”(3) shall file an application as required in rule 441—76.1(249A).

c. Determining income eligibility. The department shall determine the countable income of a ~~woman~~ an applicant applying under subparagraph 75.1(41)“a”(2) or 75.1(41)“a”(3) as follows:

(1) to (4) No change.

(5) Disregard of changes. A ~~woman~~ person found to be income-eligible upon application or annual redetermination of eligibility shall remain income-eligible for 12 months regardless of any change in income or household size.

d. No change.

[Filed Emergency 7/13/11, effective 8/1/11]

[Published 8/10/11]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/11.